

MINUTES

**CITY COUNCIL AD HOC COMMITTEE TO REVIEW THE
BOARD OF ETHICS OPINION #20
TUESDAY, FEBRUARY 8, 1994 - 5:00 P.M.
TENTH FLOOR CONFERENCE ROOM
LANSING CITY HALL**

CALL TO ORDER:

The meeting was called to order at approximately 5:10 P.M., by Chairperson Rick Lilly.

ROLL CALL:

**Councilmember Rick Lilly, Chairperson
Councilmember Ellen Beal, Vice-Chairperson
Councilmember Sandy Allen, Member-5:14 p.m.**

GUESTS/STAFF:

**Francesca Knot, City Council Staff
Fred Johnson, Citizen
Harold Leeman, Jr., Citizen
James Smiertka, City Attorney
Russell Smith, Citizen
Nathan Volk, Citizen
Dave Wiener, Mayor's Office**

PUBLIC COMMENT:

Mr. Leeman: Regarding the return of records regarding the Early Retirement Lawsuit.

**CITY COUNCIL CONTRACT WITH SPECIAL COUNSEL -
GEORGE BROOKOVER:**

Based on the opinion by City Attorney Smiertka regarding the legality of the Early Retirement Plan adopted by the City of Lansing pursuant to Resolution #201, Councilmember Beal moved that the City Council contract with Attorney George Brookover be terminated and that the charges for his services up to this date be paid.

Mr. Smiertka requested that the Chair include a statement in the letter to Mr. Brookover, that all materials be returned to City Council.

Councilwoman Allen in.

Chairperson Lilly reported that he had spoken with Mr. Brookover and Mr. Brookover had informed him that his statement for services to date would not be excessive. Mr. Brookover indicated that he would like to be retained by the City Council in the future for special issues.

The motion carried 3-0. Report to Committee of the Whole.

APPROVAL OF MINUTES:

Councilmember Beal moved approval of the January 20, 1994, minutes as presented. The motion was supported by Councilwoman Allen and carried 3-0.

ETHICS ORDINANCE REWRITE :

Mr. Wiener reported on the progress of the rewriting of the Ethics Ordinance. One of the suggestions by the Mayor's Office is to have the Ethics Board members appointed by the Mayor and confirmed by City Council. This change would require a Charter amendment.

Three ordinances are being reviewed - City of Farmington Hills, Sterling Heights and the City of Rochester Hills.

Chairperson Lilly requested that a copy of the Administration's proposal be submitted to all Councilmembers.

Councilmember Beal initiated discussion relative to City employees leaving or retiring from City employment submitting bids on various projects as a "consultant". She stated that she had some concerns about this practice ethically.

Chairperson Lilly asked City Attorney Smiertka to provide him with an opinion relative to possible conflicts of interest as it pertained to himself relative to employment with the Michigan Department of Transportation; Councilmember Novak as it pertains to his employment with the Attorney General's Office; Councilmember Canady as it pertains to his employment with the Foster, Swift, Collins and Smith Law firm. City Attorney will report back.

Councilwoman Allen asked that the City Attorney provide her with an opinion as to whether she is in conflict voting on city matters as she is an employee of Michigan National Bank.

Mr. Smiertka advised that the State Statute overrides any Charter or local law. He reported verbally that he did not think Councilwoman Allen had a conflict but would further investigate this matter and respond to her question in writing.

Mr. Smiertka reported that a process is being established by the Administration relative to Ethics issues. Conducting an open public forum has been discussed to receive input from members of the community.

Representatives of the Ethics Board, City Attorney's Office and City Council would serve on this special panel.

Councilwoman Allen requested that the Citizens to save Lansing and Citizens for a Better Lansing be included in this entire process.

Councilmember Beal exits.

Per Chairperson Lilly, the Administration was requested to keep the Committee posted on the progress of this process and that the recommended/draft ordinance be sent to the Ad Hoc Committee on Ethics.

Councilwoman Allen requested that Councilmembers receive copies of any and all documents from the Administration and City Attorney regarding this issue.

Mr. Smiertka emphasized that the State Statute supersedes. Matters that City Council may determine are unethical may not be deemed so under State Statute.

The Committee members discussed the issue of enforcement. The rights of employees and elected officials need to be protected, therefore, this issue must be dealt with very carefully.

ADJOURN:

The meeting adjourned at approximately 5:55 p.m.

Prepared by Francesca Knot
Senior Legislative Assistant

Approved by Committee _____

SIGNED *Rick Lilly*
RICK LILLY, CHAIRPERSON